

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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101 FROST STREET ASSOCIATES, L.P.;
NEXT MILLENNIUM REALTY, LLC,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF
ENERGY; et al.,

Defendants.
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AZRACK, United States District Judge:

For Online Publication Only

ORDER

17-CV-3585 (JMA)(ARL)

**FILED
CLERK**

1:33 pm, Oct 04, 2022

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Currently pending is a motion to dismiss filed by the United States Department of Energy (“DOE”), and Third-Party Defendant, the United States of America (“United States”) (collectively, the “Federal Defendants”). On July 27, 2022, Judge Lindsay issued an R&R recommending that the Court deny Federal Defendants’ motion to dismiss certain cross-claims by Defendant and Third-Party Plaintiffs GTE Operations Support Incorporated (“GTEOSI”), GTE Sylvania Incorporated and Sylvania Electric Products (collectively “GTE/Sylvania”). (ECF No. 132.) Federal Defendants filed timely objections to the R&R, (ECF No. 136), and GTE/Sylvania timely responded to the objections, (ECF No. 137). After conducting a review of the full record (including the motion papers, R&R, and objections), and applicable law, the Court adopts Magistrate Judge Lindsay’s R&R in its entirety as the opinion of the Court.

In reviewing a magistrate judge’s report and recommendation on a dispositive motion, a court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 5-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). Even for dispositive motions, the portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall

Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

The Court has undertaken a de novo review of the record, the R&R, the objections, and the response, and agrees with Judge Lindsay's R&R. The R&R is adopted in its entirety as the opinion of this Court. Federal Defendants' motion to dismiss is DENIED.

SO ORDERED.

Dated: October 4, 2022
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE